



ADVISORY COUNCIL for the **EDUCATION** of **STUDENTS** with **DISABILITIES**

ANNUAL REPORT
JUNE 2006 - JULY 2007

Introduction

According to state and federal guidelines this Advisory Council has responsibility annually to issue a report to the State Board of Education, the Governor and the State Legislature. Additionally, this report will be provided to the Tennessee Department of Education. The information contained in this report represents a period of a school year showing the progress made in programs for children with disabilities. It is the Advisory Council's intention to work with the Department of Education to ensure the provision of appropriate services for children with disabilities throughout the State of Tennessee. This is accomplished through...

- Reporting by the Department to the Council
- Council giving feedback to the Department
- Public input presented to the Council
- Experiences of council members, who represent consumers

Mission Statement

The mission of Tennessee's Advisory Council for the Education of Students with Disabilities is to ensure that all students with disabilities are provided with services and opportunities necessary to develop to their full potential.

Authority

Tennessee's Advisory Council for the Education of Students with Disabilities was established in 1972 and is required by Tennessee Code Annotated 49-10-105. This legislation states that the council "shall advise and consult with the Governor, the Commissioner of Education, the State Board of Education, and the Director of the Division of Special Education."

The Individuals with Disabilities Education Act (IDEA), § 1412(a) (21), requires that the state establish and maintain an advisory panel *for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state*. Regarding duties, the advisory panel shall:

- ❖ *Advise the Department of Education of unmet needs within the state in the education of students with disabilities;*
- ❖ *Comment publicly on any rules or regulations proposed by the state regarding the education of students with disabilities;*
- ❖ *Advise the Department of Education in developing evaluations and reporting data to the U.S. Secretary under Section 618;*
- ❖ *Advise the Department of Education in developing corrective actions plans to address findings identified in federal monitoring reports under this part;*
- ❖ *Advise the Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities; and*
- ❖ *Advise the Department of Education in serving the needs of students with disabilities in adult prisons.*

PART ONE

COUNCIL GOALS AND DEPARTMENT ACTIVITIES

The following were goals established by the Advisory Council for July 2006 – June 2007. The activities described represent actions carried out by the Advisory Council for the Education of Students with Disabilities and the Division of Special Education (DSE) along with the Tennessee Department of Education (TDOE) related to the goals of the Council. Data reflecting the provision of special education and related services throughout the state is reported with associated council goals.

Council Goal 1: Promote improved student learning/progress.

COUNCIL ACTIVITIES

The council received updates from the Special Education Division staff at each meeting regarding progress made in the area of student learning. The success of this activity has continued over the past two years. It has been reported the continued success can be directly attributed to a change in philosophy and practice in the local schools. Several other factors also continue to impact this goal some of those being; easy IEP and its alignment with the state curriculum, more utilization of accepted accommodations for the testing procedure, and differentiating teaching strategies for the individual students.

DEPARTMENT ACTIVITIES

State Performance Plan: FAPE in the LRE –

Program information provided to the U.S. Office of Special Education Programs (OSEP) included special education and related services delivered and student progress in general curriculum participation as part of the Individualized Educational Plan (IEP) along with graduation and drop-out rates for students with disabilities as compared to their non-disabled peers. Performance results for children with disabilities on statewide academic achievement tests can be found at: <http://www.k-12.state.tn.us/rptcrd06/>.

The Department is developing a system to determine students' progress in early language/communication, pre-reading, and social/emotional skills of preschool children with disabilities receiving special education and related services with a target date of February 1, 2007. Data options are being developed through the General Supervision Enhancement Grant.

High School Graduation Rates for Students with Disabilities compared to non-disabled peers –

Tennessee's graduates have a choice of three (3) different exit documents. There is the high school diploma, the high school certificate and the special education diploma. The high school diploma is awarded to students who (1) earn the specified 20 units of credit or satisfactorily complete an individualized educational program, (2) meet competency test or gateway examination standards, and (3) have satisfactory records of attendance and conduct.

The high school certificate is awarded to students who have earned the specified 20 units of credit and who have satisfactory records of attendance and conduct, but who have not met competency test or gateway examination standards.

The special education diploma is awarded to students who have satisfactorily completed an individualized education program, and who have satisfactory records of attendance and conduct, but who have not met competency test or gateway examination standards.

The percent of students in special education exiting with a regular diploma is defined as the number of students receiving special education services who graduated with a regular diploma divided by the number of students receiving special education services age 14 or older who left school with a regular diploma, with a certificate, after reaching maximum age or by dropping out. Tennessee determines graduation rate via an event rate.

A 1.5% yearly increase in the percent of students in special education exiting with a regular diploma was Tennessee's target. A 7.7% increase was obtained in the 2006-2007 school year. The state's rate increased from 47.7% to 55.4%.

While many improvement activities were implemented, the task force believes that offering a multi-pronged group of activities to meet individual needs had a significant effect on student improvement. Three of the most important were: (1) LEA's focused additional activities toward improving Adequate Yearly Performance where students with disabilities were a known subgroup (2) the TNDOE focused on improvement in reading and closing the achievement gap for all students (3) increased collaboration between the SEA's Division of Special Education and Office of Accountability led to greater awareness from the LEA's in creating and implementing Comprehensive System Wide Plans.

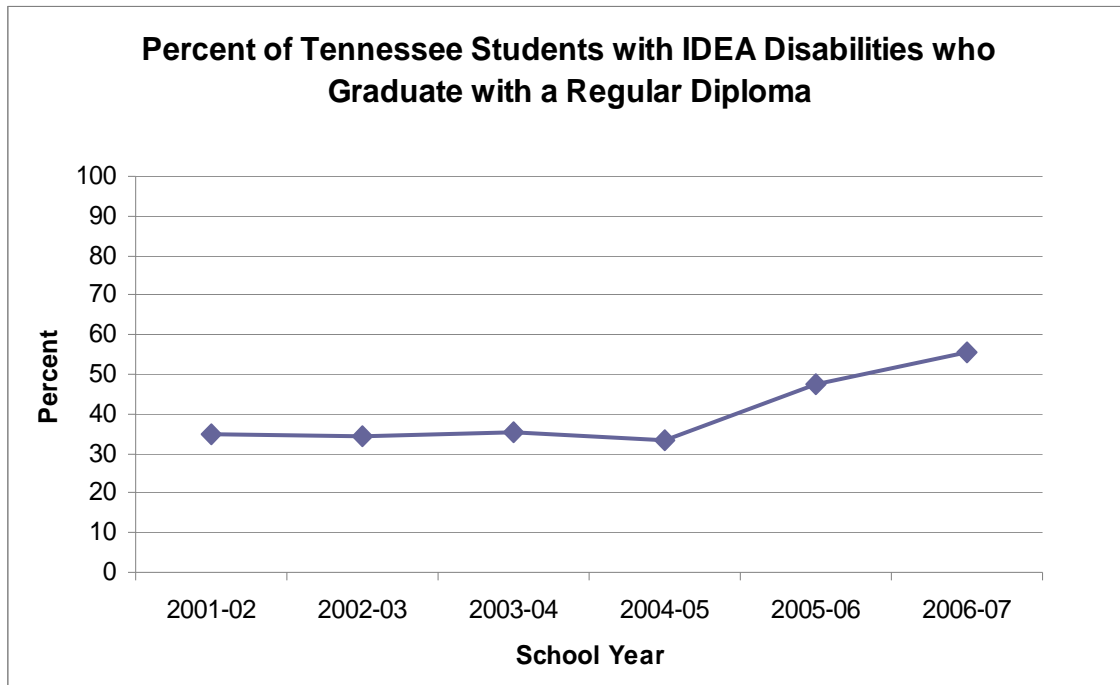
Table 1.1
Percentage of Students Who Graduated with a Regular Diploma
(Graduation Rate expressed as a percentage of students exiting)

	2001- 2002	2002- 2003	2003- 2004	2004- 2005	2005- 2006	2006- 2007
Percent of All Exiting Students receiving a Regular Diploma	75.8%	78.1%	75.7%	77.9%	79.6%	80.7%
Percent of Students in Special Education Exiting with a Regular Diploma	34.9%	34.5%	35.3%	33.2%	47.7%	55.4%

Data Sources: Tennessee Report Card 2006; Tennessee's 2001, 2002, 2003, 2004 2005, and 2006 OSEP DANS Table 4 – Report of Children with Disabilities Exiting Special Education and Tennessee's NCLB Accountability Workbook (June, 2007)

High School Dropout Rates for Students with Disabilities –

Tennessee defines a dropout as an individual who (1) was enrolled in school at some time during the previous school year; (2) was not enrolled at the beginning of the current school year; (3) has not graduated from high school or completed a state or system approved education program; and (4) does not meet any of the following exclusionary conditions: (i) transfer to another public school; school system private school, or state – or system-approved education program; (ii) temporary absence due to suspension or illness; or (iii) death.



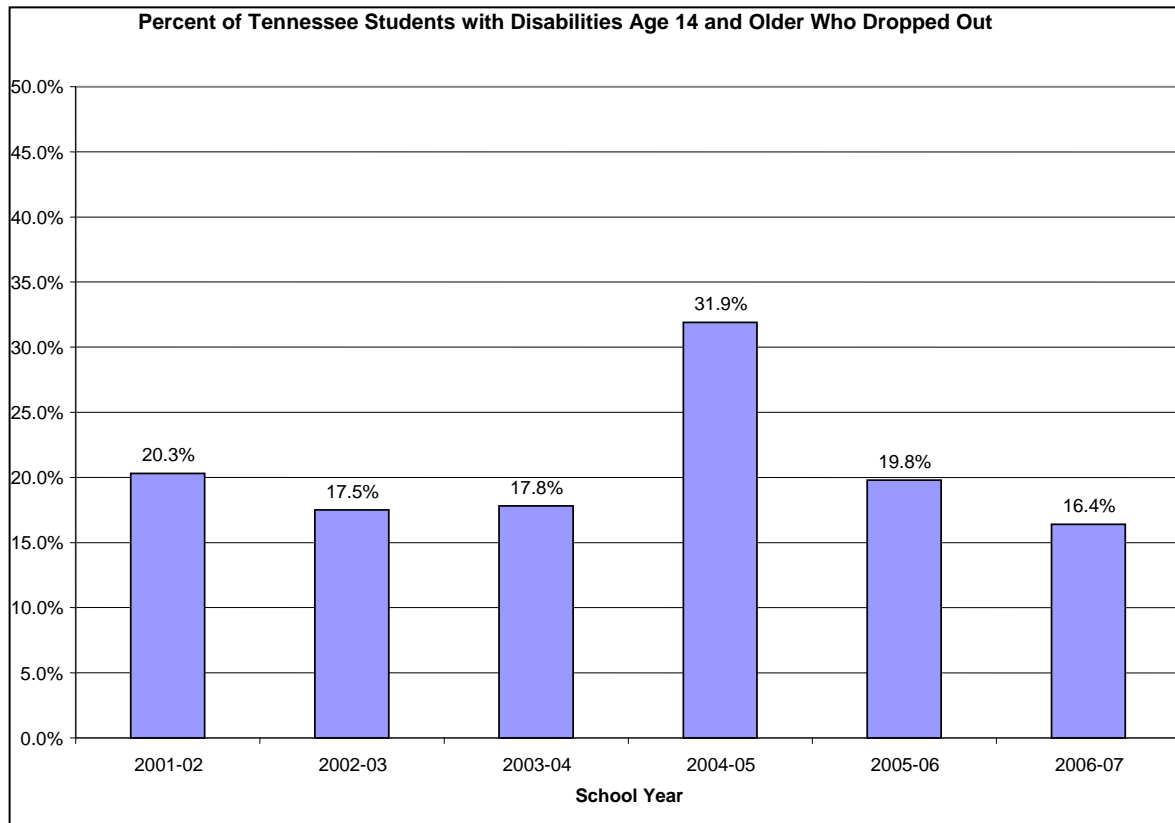
Data Source documents: Tennessee's 2001, 2002, 2003, 2004 2005, and 2006 OSEP DANS Table 4 – Report of Children with Disabilities Exiting Special Education and Tennessee's NCLB Accountability Workbook (June, 2007)

Tennessee calculates the percentage of students dropping out by dividing the number of students with disabilities 14 years and older who dropped out by the number of students with disabilities 14 years and older who graduated with a diploma, received a certificate, reached the maximum age for services or dropped out. The state determines drop out rate via an event rate.

There was a significant increase in the drop out percentage in 2004-2005 in comparison to the previous four years. This was primarily due to a change in the definition of drop outs by OSEP. The category of students “moved, not known to be continuing” were counted as drop outs beginning in 2004-2005. This had not been done in the past. Prior to this there had been a steady decline in drop out rates over the last four years. A 1.5% yearly decrease in the percent of students in special education dropping out was the target for the state performance plan. A 3.4% decrease was obtained in the 2006-2007 school year. Our drop out rate was determined to be 16.4%, decreasing from 19.8%.

The decrease in drop out rate is the result of better tracking by LEAs of students that have moved and extensive technical assistance by the Office of Data Management. Training to LEAs and their staff has been provided regarding differentiated instruction, testing accommodations, Response to Intervention and reading in the content areas. Increased availability of Career and Technical Programming, work based learning, credit recovery programs and Gateway remediation courses have increased throughout LEAs across the state.

Table 1.2
Child Count 618 Exit Data FFY 2006-07
 Total Number of Children Age 14 and Older who Dropped Out



Data source documents: Tennessee's 2001, 2002, 2003, 2004 2005, and 2006 OSEP DANS Table 4 – Report of Children with Disabilities Exiting Special Education and Tennessee's NCLB Accountability Workbook (June, 2007)

There was a significant increase in the drop out percentage in 2004-05 in comparison to the previous four years. This was primarily due to a change in the definition of drop-outs by OSEP. The category of students “moved, not known to be continuing” were counted as drop-outs beginning in 2004-05 where they had not been in the past. Prior to this there had been a steady decline in drop out rates over the last 4 years. A 1.5% yearly decrease in the percent of students in special education dropping out is considered a rigorous target. A 3.4% decrease was obtained in the 2006-2007 year. Our drop out rate was determined to be 16.4%, decreasing from 19.8%. Therefore, TN has met our target for the 2006-07 school - year.

This decrease is believed to be the result of better tracking by LEAs of students that have moved, extensive technical assistance (through phone calls and WebEx, by the Office of Data Management, and the Improvement Activities created and implemented via this plan.

Council Goal 2: Promote expanded access to and quality of services to eligible students with disabilities to better prepare them for transition into their future environments.

COUNCIL ACTIVITIES

The increased focus on monitoring transition services for students is still showing progress. Disproportionality was also reviewed regularly with the council by DSE staff. The collaborative effort of fellow agencies has continued to be successful in allowing for more efficient utilization of Federal monies.

DEPARTMENT ACTIVITIES

Child Count 618 Exit Data –

Part C 618 Exit Data indicates a continued reduction in the number of children exiting Part C with Part B eligibility determined. A close review of the 618 data collection and reporting in 2003-04 revealed that the data for previous years had included duplication and some Part C personnel were reporting Part B eligibility as presumed, not based on documentation verification of eligibility. A new process was instituted for non-duplication of data and training was provided to personnel related to the requirement to verify Part B eligibility for reporting. Therefore, the 2002-03 data actually provided the “true” baseline data for this area. It is assumed that the continued reduction in the number of children reported as determined eligible for Part B is a result of the continuing improvement in the accuracy in data reporting.

**Table 2.1
Child Count 618 Exit Data FFY 2006-2007**

Total Number of Children exiting Part C at age 3 who were eligible for services under Part B

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
Total # of children exiting Part C at age 3	2,190	3,923	2,480	2,293	2,185
Total # of children exiting Part C at age 3 who are eligible for Part B services	1,508	1,450	960	1,320	1,193
Percentage of children who exited Part C at age 3 who were eligible for Part B services	69%	37%	39%	57%	55%

Data Source: Federal 618 Child Count table for Part C data collections

The Early Childhood Transition area has been monitored in past cycles in the areas of parent training for transition from Part C to Part B, 90 day transition meetings, and community service information provided to families of non-eligible children.

Through Part C/Section 619 Analyses: Tennessee has considered ways in which data may be analyzed to answer SPP preschool transition questions when the state electronic database development is completed. One such analysis would involve the identification of children from the Tennessee Early Intervention Data System (TEIDS, ages 0-3) who turned three and who will continue to be tracked in the TN EasyIEP (ages 3-21) statewide electronic database.

Council Goal 3: Promote inclusive educational services that meet the needs of all students, regardless of their abilities, and promote a sense of belonging and mutual respect for all students while affirming each student's individuality.

COUNCIL ACTIVITIES

The council was updated quarterly on the continuing efforts of the DSE staff to provide inclusion services through collaborative efforts with fellow Departments and Agencies.

DEPARTMENT ACTIVITIES

Early Childhood (aged 3 through 5) in settings with typically developing peers

Changes are being made to the reporting of preschool settings information at the federal level to be more consistent with LRE data reported for children six to twenty-one. As a result, new baseline and target information will be reported in the FFY 2007 APR, due February 1st, 2009. On-going improvement activities in this area include the provision of trainings and workshops regarding inclusive opportunities, mandates, and best practice strategies that have been made available in many venues across the state, available for all preschool entities. Formal early childhood inclusion collaboration with all preschool partners is being carried out through membership and participation on the Tennessee Voluntary Pre-K Advisory Council. Improvement plans, including the provision of technical assistance to address this issue were included in monitoring activities with specific LEA's when warranted.

Children with IEPs (aged 6 through 21) educated with non-disabled peers to the maximum extent appropriate

Table 3.2

Settings where children with IEPs receive special education and related services

A. Percentage of Children inside regular class greater than 80%

	Total # of children inside regular class >80%	Total number of children with disabilities	Percentages
Grand Total	68,701	108,296	63.43%

B. Percentage of Children inside regular class less than 40%

	Total # of Children inside regular class < 40%	Total Number of Children with Disabilities	Percentages
Grand Total	11,799	108,296	10.89%

C. Percentage of Children Served in combined separate facilities *

	Total # of Children in Combined Separate Facilities	Total # of Children with Disabilities	Percentages
Grand Total	1,907	108,296	1.76%

*Combined Separate Facilities includes separate public/private schools, public/private residential and homebound/hospital. Data Source: Table 3 of the December 1, 2006 Federal Census Report. Percent of children with IEPs age 6 - 21

The data for the 2006-2007 school year was obtained from Table 3 of the December 1, 2006 Federal Census Report submitted by all school systems annually. Data reflects that 63.43% of children with IEPs were inside the regular class greater than 80% of the day in comparison to 53.48% of the day last school year. The state target of 53.5% has been met and exceeded. Data also reflects that 10.89% of children with IEPs are inside the regular class less than 40% of the day in comparison to 14.69% of the day last school year. The state target of 14.5% has been met and exceeded. And finally, children served in combined separate programs, which includes separate public/private schools, public/private residential schools or homebound/hospital placements make up only 1.76% of children served in comparison to 1.89% last year. This falls well below the National Baseline of 4.0%.

TN recognizes that there has been an increase in LRE percentages that is somewhat substantial. Of the 136 school districts in the State, 122 are writing students' IEPs using the new special education student IEP and data system. This new IEP writer provides LRE validations based on time in general education classes and assists the end user to correctly code LRE placements. With these actions, users provided TDOE much more accurate data on educational placements. Since the last report, two large systems have been added to the EasyIEP system which could have impacted LRE percentages positively. Finally, improvement activities supporting or encouraging more inclusive efforts have been implemented at various locations across the State with progress noted in many instances.

The TDOE provides continued support for the model LRE for LIFE and RISE sites and other inclusive initiatives, making available and providing technical assistance to all LEAs needing this assistance, including:

- * Utilizing model LRE for LIFE (Least Restrictive Environment for Living, Inclusion, Friendship, and Employment) and RISE (Restructuring Inclusive School Environments) sites for best practice to promote change in all school systems.
- * Inviting all schools to participate in the LRE for LIFE and RISE Projects.
- * Implementing statewide technical assistance to support programming for children having emotional and/or behavioral issues
- * Continuing effort to promote inclusion in the general education setting by reviewing general education curriculum at the local level to ensure children with disabilities are included.

Council Goal 4: Promote increased quality and quantity of personnel serving eligible children and youth with disabilities.

COUNCIL ACTIVITIES

TEACH TN and BASE –TN show continued success in the recruitment and training of Special Educators from other Professions.

DEPARTMENT ACTIVITIES

Personnel Employed and Needed to Provide Special Education and Related Services for Children and Youth with Disabilities - School systems annually provide the number of personnel, including administrators, teachers, related services providers, paraprofessionals, and other providers, employed to meet the identified educational needs of all children with disabilities in the State ages 3-21. Data shows an increase in total personnel serving students with disabilities in Tennessee LEAs each school year.

Table 4.1

	School Year 2003-04	School Year 2004-05	School Year 2005-06	School Year 2006-07
Teachers – Ages 3-5*	467	423	894	709
– Ages 6-21	6,029	5,805	5,302	6,070
Other Special Education and Related Services Personnel	8,183	8,503	7,602	8,204
Total	14,679	14,731	13,798	14, 983

Data Source: Report for Comprehensive Plan for Providing Special Education Services (OSEP Table 2)

*Some teachers in the “Teachers-ages 6-21” range are now counted in the “Teachers-ages3-5” range because they serve at least one student in the 3-5 age range.

Table 4.2
Teachers without proper licensing

	School Year 2003-04	School Year 2004-05	School Year 2005-06	School Year 2006-07
Waivers	239	202	175	101
Permits	340	196	165	98
Alternative & Interim Licensures	315	464	317	231

*New category 2003-04

Waiver of Employment Standards – Permission granted to a local school system to employ one who holds a valid teaching license but does not have the appropriate endorsement. A waiver may be granted when the school system is unable to obtain the services of a qualified teacher for the type and kind of school in which the vacancy exists.

Permit to Teach – Permission granted to a local school system to employ one who does not hold a valid teaching license when the system is unable to obtain services of a qualified teacher for the type and kind of school in which the vacancy exists.

Alternative and Interim Licensures – Alternative A, C & E and Interim B Licenses are obtained through the TDOE upon meeting all applicable requirements.

Council Goal 5: Promote adequate special education funding and improving procedures for allocation of funds.

COUNCIL ACTIVITIES

DEPARTMENT ACTIVITIES

There has been concern that the current state funding formula may provide financial incentive for more restrictive placements and programming (*Tennessee IDEA Continuous Improvement Plan, July 2002, Area of Concern XVII.A*). For the more restrictive placements, more funding is available; **however**, LEAs must contribute additional local funds. Therefore, it is not an incentive to place children in more restrictive settings for the purpose of additional funding. The legislature is currently reviewing the State funding formula and change is likely.

**Table 5.1
Federal Funds Available for the Education of
Students with Disabilities**

PROGRAM	2003-2004	2004-2005	2005-2006	2006-2007
Source of Funds: Federal				
Individuals with Disabilities Education Act, Part B Grant Funds	\$181,996,487	\$205,685,894	\$215,277,020	\$214,982,394
Individuals with Disabilities Education Act, Preschool Grant Funds	\$7,005,401	\$7,009,209	\$6,955,848	\$6,889,673

Data Source: U.S. Department of Education Grant Award Notification Letter

State Funds (BEP) – State educational funds are distributed under the provisions of the 1992 Education Improvement Act. LEAs are granted flexibility in the use of these funds and no specific dollar amount is earmarked for any program or activity.

Federal Funds – State allocations are based on the amount that each State received from FFY 1999 funds for IDEA, Part B funds. (State allocations for IDEA, Preschool funds are based on the amount that each State received from FFY 1997 funds.) The general population in the age range for which each State ensures a free appropriate public education (FAPE) to all children with disabilities, and the number of children living in poverty in the age range for which each State ensures FAPE to all children with disabilities.

Council Goal 6: Promote improved state and local information management related to special education.

COUNCIL ACTIVITIES

Council was presented quarterly updates on the student management system and progress made in implementing this system.

DEPARTMENT ACTIVITIES

State procedures and practices for ensuring collection and reporting of accurate and timely data -

The Statewide Student Management System (SSMS) pilot phase began implementation during the 2004-2005 school year. The final phase of SSMS was completed during the 2007-2008 school year. SSMS includes a complete Student Information System (SIS) for all students and an integrated special education module, EasyIEP. Having one integrated system allows for a single point of entry for student enrollment data which is then shared to EasyIEP. This data sharing process is efficient for school district personnel and improves the quality of student data by preventing duplication of enrollment information.

The Department provides LEAs with direct, intensive and on-going technical assistance regarding writing students' Individualized Education Plans (IEPs) and data collection for state and federal reports. School districts implementing EasyIEP or EasyCensus generate most of their state and federal special education data reports using the internet-based system. EasyIEP/EasyCensus ensures data accuracy by providing extensive data validation checks as data are entered during the IEP writing process. The current long range plan is that the Department will continue working with the SSMS vendor, Public Consulting Group, Inc., to provide the same enrollment/reporting/IEP-writing system to LEAs for the next 5 years.

The General Supervision Enhancement Grant (GSEG) supported the development and implementation of an effective Continuous Improvement Focused Monitoring System at the State level. The primary focus of that federal grant was to develop a child-level, locally-entered, web-based system, the Tennessee Early Intervention Data System (TEIDS), to serve as a comprehensive data system for the provision of IDEA Part C services (for children ages birth to three). TEIDS includes an Individualized Family Service Plan (IFSP) writing tool; state and federal data collection and reporting; service logging and billing for eligible infants and toddlers. Future plans include linking TEIDS with EasyIEP/EasyCensus to create a birth through age twenty-two data system for service provision to infants, toddlers, children and young adults with disabilities in Tennessee.

Council Goal 7: Promote enhanced communication among community, educators and stakeholders on special education services and policies.

COUNCIL ACTIVITIES

The council recognizes the ongoing nature of improving communication. The annual Spring Conference was an excellent endeavor allowing for networking among stakeholders. Once again the conference was an overwhelming success.

DEPARTMENT ACTIVITIES

The provision of a free appropriate public education to children with disabilities is facilitated through parent involvement in special education services.

Parent surveys:

During the 2006-07 school year the Parent Involvement Survey was sent to all parents of students with disabilities ages 3 through 21 in the 30 systems monitored by the Division of Special Education. These systems were randomly selected for monitoring over a 4 year cycle with the State's three largest systems completing the survey on an annual basis. The total surveys that were sent out were 19,952 and the total number returned was 6,587 for a response rate of 33.0% (6,587/19,952).

The surveys were administered locally; results tabulated in each school district, then all were combined at the State level for a statewide summary. TDOE calculated and reported a "State agreement rate" which was the total number of positive responses on the survey (agree and partially agree) divided by the total number of items answered. Positive responses out of total items answered were: 133,249/144,713 or 92.08%.

Based on the high rate of agreement with the survey theme of whether or not families agreed that their school district's facilitated their involvement, no improvement plans were required by any of the 30 district's who participated in the survey.

Complaints: Parental Complaint data continues to be analyzed for trends and increasingly used as a data source for assessing LEA training needs. Complaint logs now contain fields specifically for concerns about Parent Training/ Access to Information. The complaint resolution process is now requiring more specific corrective action plans. The technical assistance offered in that resolution more frequently recommends parent and staff training activities. A new LEA technical assistance manual on Parent Complaints was distributed spring of 2004.

Collaboration Collaborates with and provides support for Leaders in Education Networking for Kids (L.I.N.K.) whose goals include: training parents of students with disabilities on the special education process and to advocate for their own children's education.

Council Goal 8: Encourage implementation of school-wide positive behavior supports.

COUNCIL ACTIVITIES

The council received regular updates on the Closing the Achievement Gap initiative from the DSE staff. Positive behavior supports (PBS) were also featured in several presentations during the Spring Conference.

DEPARTMENT ACTIVITIES

Five projects run by the Institutes of Higher Education and funded by the Department of Education provided service to schools across the state in creating systems of PBS in their schools. This included individual, classroom, and school-wide supports for students with and without disabilities. There were also individual school contracts like the one in Warren Co. that promoted PBS in dealing with challenging behaviors.

PART TWO
STATISTICAL INFORMATION

NUMBER OF STUDENTS WITH A DISABILITY

The table below contains data on numbers of children with disabilities served by the local school systems as of the end of the school year by rank with comparisons of the past four school years.

	School Year 2003-2004	School Year 2004-2005	School Year 2005-2006	School Year 2006-2007
Specific Learning Disability	59,026	57,531	51,591	47,410
Speech or Language Impairment	39,130	36,483	35,461	34,304
Intellectually Gifted	20,282	19,810	16,278	17,064
Other Health Impairment	13,062	13,207	12,652	12,481
Mental Retardation	15,408	14,610	13,615	10,407
Developmental Delay	6,719	6,520	6,957	7,072
Other (Functionally Delayed)	4,530	4,351	4,410	4,948
Emotional Disturbance	5,232	4,711	4,281	4,068
Autism	2,293	2,223	2,892	3,744
Multiple Disabilities	2,067	1,916	1,987	1,938
Hearing Impairment	1,247	1,207	1,511	1,224
Orthopedic/Physical Impairment	1,240	1,204	1,098	949
Visual Impairment	671	649	615	581
Traumatic Brain Injury	323	308	303	307
Blind	284	192	182	161
Deafness	410	182	160	151
Deaf-Blindness	6	5	5	3
TOTAL	171,930	165,109	153,998	146,812

Data Source: End-of-Year Data Report Table 1- TN End of the Year Frequency Count

Note: This is a **cumulative** count of **all** children served in special education during the school year, unique at the district level. If a student received special education services from multiple school districts during the school year, then the student is represented multiple times in this count.

**STATUS OF SERVICE FOR
STUDENTS WITH DISABILITIES
October 2004, 2005, 2006 & 2007
(Reported to State Chancery Court)**

CHILDREN WITH DISABILITIES

	2004	2005	2006	2007
Receiving Appropriate Services				
Receiving full special education/support services	133,546	129,642	121,411	118,302
Enrolled in private program at choice of parent and at parent's expense, with special education services provided by LEA	619	629	635	642
Receiving Less Than Appropriate Services				
Receiving some special education, but less than recommended service	5	11	9	9
Enrolled in school, recommended for special education but not receiving and special education services	98	101	110	117
Not enrolled in any educational program	157	129	138	121
Children Suspected to Have Disabilities				
Referred but not evaluated on October 1	3,871	3,902	3,754	3,687
Evaluated but not yet determined eligible/not eligible on October 1	1,957	1,879	1,816	1,791

Note: These numbers are as of October 1, 2004 through 2007 and will not be the same as the End-of-Year figures.
Data Source: October Report for Chancery Court in the Case of Val Rainey vs. the Tennessee Department of Education.

PART THREE
MEETING MINUTES

**Advisory Council for the Education of
Students with Disabilities
Approved Minutes**

**July 24, 2006
TPS Campus, Hardison Building
1256 Foster Avenue
Nashville, TN 37243**

Members of the Council in Attendance

Dawn Bradley
David Blier
Paula Brownyard
Samuel Cole
Jeff Finney
Winnie Forrester
Barbara Jenkins
Cynthia Higginbotham
Beulah Oldham
Fran Powers
Rex Roberts
James Topp

Members of the Council not in Attendance

Tim Fite
Kyle Hauth
Emily Lowrance
Jennifer Partlow

State Employees in Attendance

Bob Blair, TN Department of Education/Division of Special Education (TDE/DSE)
Joseph Fisher, TDE/DSE
Juanita Flakes, TN Department of Human Services/Division of Rehabilitation Services (DHS/DRS)
Larry Greer, TDE/DSE
Ann Hampton, TDE/DSE
Jessica Harbison, TDE/DSE
Jamie Kilpatrick, TDE/DSE
Nan McKerley, TDE/DSE
Steve Sparks, TDE/DSE
Bill Wilson, TDE/DSE
Robert Winstead, TDE/DSE
Robert Yemm, TN Department of Finance & Administration

Visitors in Attendance

holly lu conant rees, Disability Coalition on Education
Susan Dalton, TN Education Association (TEA)
Kristi Hobbs, Special Education Teacher
Nancy Holland, Davison County Schools/TEA Special Education Ad Hoc Committee Chair
Loria Hubbard-Richardson, The Arc of Tennessee Project LINK
Dorisann Pell-McLean, TN Voices for Children
John Richardson, Visitor
Walter Rogers, The Arc of Tennessee
Ned Solomon, Developmental Disabilities Council
Susie Wilkin, Franklin City Schools/TEA Special Education Ad Hoc Committee Member

Welcome

Dr. Topp called the meeting to order by having the Council members and guests recite the Pledge of Allegiance. Dr. Topp then welcomed a new member, Barbara Jenkins, and the group introduced themselves.

Approval of Agenda

The agenda was accepted without comment.

Approval of Minutes from April 24, 2006 meeting

The minutes of the January meeting were accepted as presented.

Report from the Chair

- The 2004-2005 Annual Report was distributed to the Council members and guests.
- With all Council members in agreement, the TDE/DSE website will be expanded to show member name, area of representation, geographical location and contact information.
- The Annual Conference Special Education for 2007 is scheduled for February 28 – March 2, 2007.
- In order for the Council to review the TDE/DSE Annual Performance Report before the deadline to submit to the Office of Special Education Programs (OSEP), the January meeting date was changed to January 8, 2007.
- Dr. Topp stressed the importance of member attendance to conduct Council business with the required quorum present.
- With two positions currently being considered by the Governor's Office, new member orientation will be scheduled after a decision has been made. New members may attend the TDE/DSE Special Education Supervisors Conference in October.

Public Input

There were none present who wished to address the Council.

Reimbursement Requests on High Cost Students with Disabilities

Nan McKerley explained that, in accordance with the 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA), all states were required to develop a mechanism by which schools could get relief for high cost students with disabilities. The TDE/DSE already had this mechanism in place; however, were required to adopt the federal formula – Priority 3 for students who require 3 times to state average expenditure (approximately 3 million was allocated for this category this year); Priority 2 for state agency (i.e. Mental Health, DCS, etc.) placed students; and Priority 1 for TDE schools (i.e. TN School for the Blind, TN School for the Deaf, West TN School for the Deaf, etc.) to assist with transportation costs, etc. There is also a Priority 4 category for very high cost children with disabilities who are the responsibility of the school system when the cost excess cost is 250% greater than the total funds to be deducted on a specific student. When applying for Priority 4, school systems will be allowed a maximum of .03% of the December 1 census count for total number of children served. Proposed funds were approved by OSEP too late to be applied for or used by schools this year.

A Special Education Teaching Perspective on the TN Youth Leadership Forum

Kristi Hobbs, a special education teacher from Coffee County/Manchester City, was then introduced. She presented on the TN Youth Leadership Forum from her point of view after attending as a chaperone for one of her students. Ned Solomon had presented on the TN Youth Leadership Forum in January.

TEA's Look Into Inclusion Practices in TN

Nancy Holland, Davison County Schools/TEA Special Education Ad Hoc Committee Chair, reported to the Council the preliminary results of a recent online survey of TEA members. The survey was suggested at an assembly of TEA representatives to look at inclusion. This questionnaire sought teacher opinions about the practice of inclusion across TN. This was not a survey of a scientifically selected random sample of TEA members or TN teachers. Respondents self-selected. There has been a 3% response rate with a response from each LEA.

Department Update

Ann Hampton began the update on TDE activities by reporting that Joseph Fisher and Bill Wilson will be in Washington, D.C. the last week of August for the rollout of the new federal regulations governing special education. Department activities relating to Council Goals 1, 3 and 6 will be looked at during the October meeting with Council Goal 4 in January.

Jamie Kilpatrick, newly appointed Director of the TDE/DSE Office of Early Childhood Programs, was introduced to speak about activities relating to Council Goal 2 – “Promote expanded access to and quality of services to eligible children and youth with disabilities to better prepare them for transition into their future environments.” The Office of Early Childhood Programs has been restructured to better serve the public and provide a customer service approach and help avoid the two major pitfalls of early childhood transition: overlooking awareness of the issue and communication breakdowns. Quarterly and monthly updates will be provided through the 9 different regional offices across the state by service provider on birth to 3 training and accountability reports, which will be shared with LEAs. The TN Early Intervention Data System (TEIDS) being developed by YahaSoft, Inc. as a link to the Easy IEP component of the statewide student data management system will also help increase communication when transitioning services for children entering school.

Steve Sparks, Director of the TDE/DSE Office of Compliance Monitoring, presented findings of monitoring done by his office for the 2005-2006 school year in relation to the Council Goals. Based on requirements of the federal indicator of the State Performance Plan/Annual Performance Report, a student exit survey was conducted in the LEAs which showed that:

- 104 of 488 (21%) were enrolled in some type of post secondary schooling.
- 271 of 488 (56%) were currently employed in a paid job.
- 432 of 488 (89%) were involved in developing their transition planning.
- 188 of 488 (39%) were involved in Work Based Learning Programming.
- 349 of 488 (72%) felt that high school programming prepared them for post school activities.

A total of 13 out of 42 school systems (31%) monitored were found to be in need of improvement in the area of providing a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). LEA Improvement Plans for each identified category were reviewed by the compliance monitoring staff and will be followed up on in the 2006-2007 monitoring cycle to ensure their implementation within one (1) year of identification.

Kathy Strunk, Director of the State Improvement Grant (SIG), addressed the council to outline the ways the SIG works to accomplish each of the Advisory Council Goals. Providing professional development; collaborating with Institutions of Higher Education to develop high quality teacher training programs; communicating with school personnel, higher education, faculty, families and the general public via newsletters, websites and listservs.

Annual Goals

Paula Brownyard then presented the goals proposed by the New Goals Subcommittee for 2006-2007. No major changes were made to the goals from the 2005-2006 school year; however, the actions to be taken in order to carry out the goals were revised. The Council voted to adopt the new goals as presented with a final vote to be conducted in October leaving open for comments and adaptation during that meeting.

Legislative Update

Bill Wilson informed the Council that no new legislation directly affects special education although there are some items under consideration that would affect education in general.

Other New Business

The Council set the following meeting dates for the next year:

October 23, 2006

January 8, 2007 (note: this is a change as discussed in the Report from the Chair)

April 23, 2007

July 23, 2007

Dr. Topp then adjourned the meeting.

**Advisory Council for the Education of
Students with Disabilities
Approved Minutes**

**October 23, 2006
TPS Campus, Hardison Building
1256 Foster Avenue
Nashville, TN 37243**

Members of the Council in Attendance

Dawn Bradley
Paula Brownyard
Samuel Cole
Jeff Finney
Winnie Forrester
Barbara Jenkins
Kyle Hauth
Beulah Oldham
Fran Powers
Rex Roberts
James Topp

Members of the Council not in Attendance

David Blier
Cynthia Higginbotham
Emily Lowrance
Jennifer Partlow

State Employees in Attendance

Bob Blair, TN Department of Education/Division of Special Education (TDE/DSE)
Joseph Fisher, TDE/DSE
Juanita Flakes, TN Department of Human Services/Division of Rehabilitation Services (DHS/DRS)
Ann Hampton, TDE/DSE
Jessica Harbison, TDE/DSE
Terry Long, TDE/DSE
Nan McKerley, TDE/DSE
Steve Sparks, TDE/DSE
Bill Wilson, TDE/DSE

Visitors in Attendance

holly lu conant rees, Disability Coalition on Education (DCE)
Susan Dalton, TN Education Association (TEA)
Sam Gage, Selmer, Tennessee
Bill Gage Selmer, Tennessee
Loria Hubbard-Richardson, The Arc of Tennessee Project LINK
Rich Lewis, Mid-South Regional Resource Center, University of Kentucky
Dorisann Pell-McLean, TN Voices for Children
Walter Rogers, The Arc of Tennessee
Janet Shouse, Autism Society of Middle Tennessee
Ned Solomon, Developmental Disabilities Council

Welcome

Dr. Topp called the meeting to order by having the Council members and guests recite the Pledge of Allegiance.

Approval of Agenda

The agenda was accepted as presented.

Approval of Minutes from July 24, 2006 meeting

The minutes of the July meeting were accepted with one correction to the date listed for previous meeting.

Report from the Chair

- The Council information on the Department of Education, Division of Special Education is still being worked on. Progress has been slow due to personnel changes within the Department.
- The Annual Spring Conference dates have been announced. Mark your calendars for February 28 – March 2, 2007.
- In order for the Council to review the TDE/DSE Annual Performance Report before the deadline to submit to the Office of Special Education Programs (OSEP), the January meeting date was changed to January 8, 2007.
- The locations of upcoming meetings (in East or West Tennessee) will be decided at the January meeting.
- With the new federal regulations in place, the TDE/DSE has formed a task force to look at our state regulations. The State Special Education Rules and Regulations Revision Task Force met on October 16, 2006 and are scheduled to meet again November 20, 2006.
- The Special Education Administrative Law Judges are due for reappointment. Interviews are scheduled for December 14-15, 2006.

Public Input

There were none present who wished to address the Council.

Election of Council Chair and Vice-Chair

Joseph Fisher, Council Secretary, opened the floor to nominations for Council Chair. Rex Roberts nominated Jim Topp, which Beulah Oldham seconded. A vote passed and Dr. Topp was named Chair for 2006-2007. Mr. Fisher then asked for nominations for Vice-Chair. Kyle Hauth nominated Jeff Finney, which was seconded. The vote carried and Mr. Finney was named Vice-Chair for 2006-2007.

Update on Final Vote for 2006-2007 Annual Goals

The Goals were adopted as presented.

Presentation by the Disability Coalition on Education (DCE)

holly lu conant rees was introduced to present information to the Council that the DCE has gathered on inclusion.

Presentation on the Annual Performance Report (APR)

TDE/DSE staff reviewed seven (7) indicators (or sections) from the Annual Performance Report (APR) and State Performance Plan (SPP). Council approval is needed before this information can be submitted to the U.S. Department of Education Office of Special Education Programs (OSEP) on February 1, 2007. Most sections have been pre-formatted by OSEP and only require a review of the data; however, each state develops the format for Indicator 20 of the report. All suggestions must be made to Terry Long by January 1, 2007 for consideration. A vote was held and passed to accept each Indicator as presented with exception to Indicator 20.

Other New Business

The Council set the following meeting dates for the next year:

January 8, 2007 (note: this is a change as discussed during the July meeting)

April 23, 2007

July 23, 2007

October 22, 2007

Dr. Topp then adjourned the meeting.

**Advisory Council for the Education of
Students with Disabilities
Approved Minutes**

**January 8, 2007
TPS Campus, Hardison Building
1256 Foster Avenue
Nashville, TN 37243**

Members of the Council in Attendance

David Blier
Dawn Bradley
Samuel Cole
Jeff Finney
Winnie Forrester
Kyle Hauth
Cynthia Higginbotham
Beulah Oldham
Jennifer Partlow
Fran Powers
Rex Roberts
James Topp

Members of the Council not in Attendance

Paula Brownyard
Barbara Jenkins
Emily Lowrance

State Employees in Attendance

Cara Alexander, TN Department of Education/Division of Special Education (TDE/DSE)
Bob Blair, TDE/DSE
Debbie Cate, TDE/DSE
Mike Copas, TDE/DSE
Joseph Fisher, TDE/DSE
Juanita Flakes, TN Department of Human Services/Division of Rehabilitation Services (DHS/DRS)
Ann Hampton, TDE/DSE
Jessica Harbison, TDE/DSE
Jamie Kilpatrick, TDE/DSE
Nan McKerley, TDE/DSE
Terry Wallis, TDE/DSE
Steve Sparks, TDE/DSE
Ann Sanders, TDE/DSE
Jane Winstead, TDE/DSE
Robert Winstead, TDE/DSE
Bill Wilson, TDE/DSE

Visitors in Attendance

Loria Hubbard-Richardson, The Arc of Tennessee Project LINK
Terrance Gibson, TN Education Association (TEA)
Walter Rogers, The Arc of Tennessee
Ned Solomon, Developmental Disabilities Council

Welcome

Dr. Topp called the meeting to order by having the Council members and guests recite the Pledge of Allegiance.

Approval of Agenda

The agenda was accepted as presented.

Approval of Minutes from October 23, 2006 meeting

The minutes of the October meeting were accepted without comment.

Report from the Chair

- The Council information on the Department of Education, Division of Special Education (TDE/DSE) website is still being worked on. Progress has been slow due to personnel changes within the Department.
- The Annual Spring Conference is approaching February 28-March 2, 2007. Registration and lodging information can be found on the TDE/DSE website
- An orientation session will be scheduled for new members, most likely to precede the April meeting.
- The State Special Education Rules and Regulations Revision Task Force will be meeting again January 9-10, 2007.
- The Special Education Administrative Law Judges interviews were held in December 2006. Ten (10) individuals were appointed for a five-year term beginning January 2007 to 2011.

Public Input

There were none present who wished to address the Council.

Presentation on Annual Performance Report (APR)/ Department Update

TDE/DSE staff continued their review of the Annual Performance Report which will be submitted to the US Department of Education Office of Special Education Programs on February 1, 2007. Fifteen indicators in different areas were covered and questions and comments will be incorporated into the final report. A vote carried to approve the report. The final copy will be posted on the TDE/DSE website.

Discussion of Meeting Site/Location for April Meeting

After a brief discussion, the Council resolved to continue having the meetings in Nashville.

Other New Business

- A demonstration of the EasyIEP component of the Statewide Student Management System (SSMS) may be planned for the April meeting depending on the availability of a computer lab.
- Kyle Hauth and Winnie Forrester (and Jennifer Partlow in absentia) reviewed the Disability Coalition on Education (DCE) policy statement on inclusion and prepared a report. The report will be condensed and distributed via email to other members.
- The Council set the following meeting dates for the next year:
 - April 30, 2007
 - July 23, 2007
 - October 22, 2007
 - January 7, 2008

Dr. Topp then adjourned the meeting.

**Advisory Council for the Education of
Students with Disabilities
Minutes**

**April 30, 2007
TPS Campus, Hardison Building
1256 Foster Avenue
Nashville, TN 37243**

Members of the Council in Attendance

David Blier	Barbara Jenkins
Dawn Bradley	Beulah Oldham
Samuel Cole	Jennifer Partlow
Jeff Finney	Fran Powers
Winnie Forrester	Rex Roberts
Kyle Hauth	James Topp
Cynthia Higginbotham	

Members of the Council not in Attendance

Paula Brownyard	Emily Lowrance
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State Employees in Attendance

Cara Alexander, TN Department of Education/Division of Special Education (TDE/DSE)
Bob Blair, TDE/DSE
Debbie Cate, TDE/DSE
Mike Copas, TDE/DSE
Joseph Fisher, TDE/DSE
Juanita Flakes, TN Department of Human Services/Division of Rehabilitation Services (DHS/DRS)
Ann Hampton, TDE/DSE
Jessica Harbison, TDE/DSE
Jamie Kilpatrick, TDE/DSE
Nan McKerley, TDE/DSE
Terry Wallis, TDE/DSE
Steve Sparks, TDE/DSE
Ann Sanders, TDE/DSE
Jane Winstead, TDE/DSE
Robert Winstead, TDE/DSE
Bill Wilson, TDE/DSE

Visitors in Attendance

Loria Hubbard-Richardson, The Arc of Tennessee Project LINK
Terrance Gibson, TN Education Association (TEA)
Walter Rogers, The Arc of Tennessee
Ned Solomon, Developmental Disabilities Council

Welcome

Dr. Topp called the meeting to order by having the Council members and guests recite the Pledge of Allegiance.

Acceptance of Agenda

The agenda was accepted as presented.

Approval of Minutes from January 8, 2007 meeting

The minutes of the January meeting were accepted with one exception - a change to the council schedule for the April 2007 meeting, which will be held on the 30th instead of the 23rd.

Report from the Chair

- There will be a new policy implemented at Council meetings where if guests should have questions regarding an agenda item they will have to be addressed by the Chair.
- This year's Spring Conference, held February 28 – March 2, 2007, went very well. An excellent job by the Division of Special Education on session topics and ran smoothly in general.
- The New Special Education Rules & Regulations Task Force has sent its recommendations to the State Board of Education. There will be more information presented later in the meeting.
- The Special Education website has been updated to show each member's name, area of representation, city of residence and email address. Dr. Topp asked that everyone double check their information for accuracy.

Public Input

There were none present who wished to address the Council.

Report on Inclusion

Winnie Forrester distributed a statement on inclusion as proposed by the Inclusion Subcommittee. The subcommittee was formed to evaluate statements and research presented by the Disability Coalition on Education (DCE), Tennessee Educators Association (TEA) and the Closing the Achievement Gap (CTAG) booklet.

2005-06 Annual Report Update

Jeff Finney, Subcommittee Chair, was not in attendance so Dr. Topp presented in his stead. Council members posed some questions regarding statistical data specifically regarding numbers of students reported in the categories of Hearing Impairment, Autism, and Mental Retardation. Some of these areas, explained Joseph Fisher, have been misidentified in the past. The data will be reviewed once more for accuracy with more explanation added if necessary and the report will be voted on at the July meeting.

Update: Proposed Rules & Regulations, Eligibility Standards, Revised Definitions, Legislative Update (if any)

- o The New Special Education Rules & Regulations Task Force recommended to the State Board of Education to adopt by reference the federal regulations which passed in 2006. Supplemental rules were approved on first reading by the Board held on April 21, 2007. The second reading is scheduled for August 10, 2007 after an opportunity for public comment in June.
- o The Proposed Disability Standards remain largely unchanged from the previous standards with the exception of Specific Learning Disabled and Intellectually Gifted. They've passed the first reading by the State Board of Education with the second scheduled for August of this year. Any comments are to be directed to the State Board.
- o HB374/SB907 will be heard by the full Senate and House Education Committee on May 5, 2007. Information on this legislation has been disseminated to all interested parties, i.e. school district personnel, advocacy agencies, etc. The bill recommends, among other items, that the Department of Education (DOE) monitor school systems every year (currently they are monitored on a 4-year cycle); mandate that the DOE step in to oversee local education agencies (LEAs) that are found to be out of compliance; mediation no longer be voluntary unless parents waive the option; and due process hearings and mediations be handled by the Secretary of State's office. Kyle Hauth moved to send notice to the Governor and legislators that the Council disagrees with this bill. The motion passed by a vote of ten (10) members.

Revision of Council By-laws

Rich Lewis, Mid-South Regional Resource Center, after researching advisory councils in other states compiled and presented a draft of changes focusing more on defining procedures than purpose.

Other New Business

- A demonstration of the EasyIEP component of the Statewide Student Management System (SSMS) is still being tentatively planned for the July meeting. It will depend on the availability of the computer lab.

- Dr. Topp also reminded the council members of the importance of updating their contact information, especially email addresses.
- Samuel Cole informed everyone present about Public Hearings being conducted by the TN Department of Human Services/Division of Rehabilitation Services (DHS/DRS). The DHS will soon be posting their state plan on the web.
- The Council set the following meeting dates for the next year:
 - July 23, 2007
 - October 22, 2007
 - January 7, 2008
 - April 21, 2008

Dr. Topp then adjourned the meeting.

ADVISORY COUNCIL MEMBERS

James Topp, Chair	Germantown
Jeff Finney, Vice-Chair	Elizabethton
Dawn Bradley	Lebanon
David Blier	Nashville
Paula Brownyard	Jackson
Samuel Cole	Nashville
Winnie Forrester	Nashville
Kyle Hauth	Chattanooga
Cynthia Higginbotham	Knoxville
Barbara Jenkins	Nashville
Emily Lowrance	Gallatin
Beulah Oldham	Clarksville
Jennifer Partlow	Chapmansboro
Fran Powers	Clarksville
Rex Roberts	Nashville
Myles Wilson	Somerville

State of Tennessee
Phil Bredesen, Governor

Department of Education
Lana Seivers, Commissioner

Division of Special Education
Joseph E. Fisher, Assistant Commissioner

Advisory Council for the Education of Students with Disabilities
James Topp, Chair

Division Assistance to Council
Ann Hampton
Nan McKerley

2006